

**CITY OF WENATCHEE
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
CUP-15-03)	DECISION AND CONDITIONS
Wenatchee Racquet and)	OF APPROVAL
Athletic Club (WRAC))	

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner Pro Tem on July 22, 2015, the Hearing Examiner Pro Tem having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. On May 22, 2015, Wenatchee Racquet and Athletic Club (WRAC) submitted an application for a conditional use permit to expand the fitness portion of the existing club house building to the south adding approximately 5,000 square feet between two floors and add three new outdoor tennis courts to the immediate west of the existing facility. The interior of the existing building would be renovated to improve locker room facilities and handicap accessibility. Other proposed improvements to the site include a gravel overflow parking lot, sidewalks and pathways to the new tennis courts and a gazebo. New landscaping and storm water mitigation would be added to the site. The subject property is within the Residential Single-Family (RS) zoning district.

2. **Comprehensive plan consistency:**

The application is proposing to expand a portion of the existing club building and add three new outdoor tennis courts to the immediate west of the existing facility. As part of this review staff has considered how the application materials have addressed the existing on-site drainage, flood hazard, and geologic hazard identified on the subject property to ensure that appropriate mitigation measures included with the development consistent with Policy 2 of Canyons and Foothills and Policy 1 of Critical Areas.

The proposed expansion will increase recreational opportunities existing on the site and compliment the surrounding natural environment by leaving the existing natural vegetation in place on the south side of the property and by adding a mix of dryland vegetation around the perimeter of the new outdoor courts. These improvements to the subject property are consistent with Policies 1 and 2 of Quality of Life.

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The subject property is located within a residential neighborhood and as part of the public process notice was sent to surrounding property owners within 450 feet to provide an opportunity for residents to submit comments related to the proposed project. The notice area was expanded from the required 350 feet buffer for surrounding properties to ensure all neighbor impacted by the development received notice and were provided the opportunity to comment.

3. **Consistency with the provisions of the Title 10 Zoning Development Standards WCC Section 10.46.020:**

The proposal includes expanding a portion of the existing building toward the south property line. The applicant has submitted a boundary line adjustment application that is being processed concurrent with this application. Upon completion of the boundary line adjustment the subject property will have two front yards which will allow the south property line to be considered a side property with a 5 foot required setback. Setbacks will be verified at the time of building permit application. The application materials indicate that the tallest portion of the building will be 30 feet in height consistent with the maximum allowable height within the RS zoning district.

4. The subject property is located at 1913 Skyline Drive; and identified by Assessor's Parcel No.: 22-20-08-430-055.

5. The application has been processed as a Type III quasi-judicial review for conditional use permits pursuant to WCC 13.09.050; a public hearing is required for the application – to occur July 22, 2015.

6. A pre-application meeting was held on March 5, 2015.

7. The subject property is developed with an existing multi-story building referred to in the application as the club house that contains the athletic facility to be expanded and 4 tennis courts, parking lot, and some landscaping in front of the building and at the entrance. The site west of the building and parking lot was a former orchard and is currently undeveloped. The site gently slopes from the west towards Skyline Drive. The subject property is within the flood plain of No. 2 Canyon and has a drainage that runs from the west side of the property ease shown on the site plan. There are steep slopes to the immediate southeast of the property with shrub-steppe vegetation.

8. **Utilities / Services:**

Sanitary Sewer:	City of Wenatchee
Domestic Water:	City of Wenatchee
Power/Electricity:	Chelan County P.U.D.

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Fire Protection: Wenatchee Fire Department
Police Protection: Wenatchee Police Department

9. **Access:** Access to the subject site is through an easement from Skyline Drive which has not been improved with curb, gutter, and sidewalk at this location.

The applicant has submitted a boundary line adjustment application that is being processed concurrently that will combine the subject property with parcel no. 22-20-08-817-005 and a portion of parcel no. 22-20-08-430-075 so that the subject property has direct frontage on Skyline Drive. The subject property also has frontage on No. 2 Canyon Road which is a county road; however, there is no access developed from this road to the property.

10. **Surrounding Properties**

North: Residential properties; zoned Residential Single-Family (RS).

South: A residential property within Chelan County.

East: Skyline Drive with residential properties; zoned Residential Low (RL)

West: An orchard property within Chelan County.

11. The subject property is located within the RS zoning district.
12. The Wenatchee Urban Area Comprehensive Plan land use designation is RS.
13. The subject property is approximately 14.25 acres in size.
14. The applicant/owner is the Wenatchee Racquet and Athletic Club (WRAC), 1913 Skyline Drive, Wenatchee, WA 98801.
15. Recreation, neighborhood is permitted as a Conditional Use in the RS zoning district.
16. The proposal is consistent with the provisions of Title 10 Zoning.
17. The subject property is within an identified flood plain and geological hazard area.
18. The subject property is within the primary zone of the wildland-urban interface.
19. The Wenatchee Hearing Examiner Pro Tem conducted a public hearing on July 22, 2015.
20. Public comments were received from Kathleen Heffner.
21. Applicant representatives testified at the public meeting including Evy Gillen, Justin Borst and Brian Wengreen.
22. The proposed action is subject to land use policies and provisions of the City of Wenatchee Urban Area Comprehensive Plan and zoning and development regulations of the Wenatchee City Code.

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23. **Comprehensive Plan:** In addition to the general goals and policies of the Growth Management Act and Wenatchee Urban Area Comprehensive Plan which state growth shall take place where adequate public facilities exist and are able to serve existing and future growth, the following goals and policies set forth in the comprehensive plan are relevant to this development:

Canyons and Foothills – Conserve open space in the foothills surrounding the city and ensure appropriate development in the canyons.

Policy 2: Carefully consider new development in the canyons for impacts from flooding, circulation and other emergencies.

Quality of Life – Support the enhancement of Wenatchee’s built and natural environment as an attraction for community and business growth.

Policy 1: Encourage the development of recreational, arts and educational infrastructure and facilities that meet the community’s and region’s needs.

Policy 2: Encourage a built environment that enhances Wenatchee’s natural setting and protects the regional landscape.

Neighborhoods – Support the progression of attractive and safe residential neighborhoods.

Policy 3: Implement a review process for non-residential and multifamily projects within single-family residential districts that allows surrounding residents to comment on potential impacts.

Dark Sky Design – Educate and promote the use of appropriate lighting levels for residential, commercial, and public areas to help reduce sky glow, light trespassing, and up lighting.

Policy 4: Lighting scale, placement and design should facilitate safety while minimizing light impacts on the surrounding neighborhood and night sky.

Policy 6: All signs and lighting (including for streets, buildings, parking areas, and signs) should be designed so that they perform their function without being unduly disruptive to the visual appeal of the area.

Parks and Open Space System – Acquire and develop an interconnected system of multifunctional parks, trails, recreation facilities and open spaces that is attractive, safe and available to all segments of the City’s population.

Policy 8: Recognize and support the importance of non-city facilities and programs that assist in meeting the needs of the community for parks, recreation and open space.

Critical Areas – Protect public safety and the ecological functions of critical areas by mitigating development depending on area characteristics.

Policy 1: Ensure any development in critical areas adequately mitigates potential negative impacts associated with the specific conditions.

24. **Definitions:**

Wenatchee City Code (WCC) Section 10.08.125, defines “Recreation, neighborhood commercial” as land and/or a building which is used for recreational activities by the general public or whose membership is not restricted to persons residing within a specific area. Such facilities shall include, but not necessarily be limited to, tennis and/or racquetball courts, community clubhouses, soccer, basketball, climbing walls, gymnastics, baseball batting cages, swimming pools, and health and exercise spas. Specifically excluded from this definition are go-kart tracks, golf courses, bowling alleys, pool or billiard halls.

25. **Zoning and Development Standards:**

The subject property is located in the Residential Single-Family (RS) zoning district.
Land Uses: WCC Chapter 10.10

26. **Recreation, neighborhood:** “Recreation, neighborhood” is permitted as a Conditional Use in the RS zoning district.

27. **Residential Development Standards: WCC Section 10.46.020:**

General dimensional standards in the RS are: 25 foot setback from the front property line plus any required additional public right-of-way; 20 foot rear yard setback; 5 foot side yard setback; maximum building height is 30 feet; and maximum lot coverage is 35 percent.

28. **Conditional Use Permit Requirements and Criteria:**

All conditional use permit applications must meet the general requirements in WCC 10.65.050 and be evaluated by WCC 10.65.060 “General Criteria”. Additionally, the following specific provisions of WCC Section 10.65.240, “Recreation, neighborhood”:

(a) The applicant shall demonstrate that the location, size, height, and design characteristics of the buildings, structures, walls, landscaping and screening, and parking is compatible with the intent of the zoning district and surrounding properties;

(b) The use shall be limited to streets designated as major and minor arterials or collectors, as shown on the circulation map within the comprehensive plan, as amended;

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- (c) The hearing examiner shall ensure that traffic from the proposed use does not significantly impact or alter traffic in the neighborhood. Therefore, a traffic analysis shall be provided;
- (d) Day care facilities and concessions may be allowed as accessory uses; provided, that such facilities do not occupy more than 25 percent of the gross floor area of the facility;
- (e) Parking shall be provided in accordance with Chapter 10.60 WCC, as amended. A 20 percent reduction in required parking may be granted, provided the applicant can show that public transit will be a viable alternative to driving to the facility and/or the facility serves the neighborhood in which it is located and additional parking is not necessary to support the facility;
- (f) Landscaping and Screening. The development shall comply with Chapter 10.62 WCC, Landscaping and Screening, as amended;
- (g) Signs. One monument sign shall be permitted:
 - (i) In no case shall the height exceed six feet;
 - (ii) In no case shall the sign exceed 32 square feet in area;
 - (iii) In no case shall the maximum copy area exceed 26 square feet;
 - (iv) The sign shall observe the height limitations that apply to fences in instances where the sign is located in a required front yard setback;
 - (v) The sign shall not be illuminated;
 - (vi) It shall be demonstrated that any proposed signage is compatible with the surrounding area;
- (h) The applicant shall ensure that site lighting contributes to the character of the site and does not disturb adjacent development, or potential adjacent development;
- (i) Hours of operation may be restricted to assure compatibility with surrounding development;
- (j) The applicant shall ensure that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- (k) Minimum Lot Size. Such facilities shall be located on a parcel no less than one acre in size and shall have adequate buffers from adjoining property to minimize impacts and to ensure compatibility with adjoining uses.

29. **Shorelines:** The subject site is outside of the 200' shoreline jurisdiction.

30. **Public Notice and Environmental Review:**

- a. **Application Submitted:** May 22, 2015
- b. **Determination of Completeness issued:** June 5, 2015
- c. **Notice of Application:** Notice was mailed to property owners/taxpayers within 450 feet of the subject property, posted on the subject property, and referred to relevant agencies on June 8, 2015.
- d. **Notice of Public Hearing:** Notice was mailed to property owners/taxpayers within 450 feet of the subject property on July 9, 2015 and published in the Wenatchee World newspaper on July 10, 2015.

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- e. **Public Hearing:** The public hearing is scheduled for July 22, 2015 at 3:00 p.m. at Wenatchee City Hall, Council Chambers, located at 129 S. Chelan Avenue, Wenatchee, WA.

31. **Agency Comments:**

The WA Department of Ecology submitted comments date June 17, 2015 recommending soils be sampled and analyzed for contaminants and stating a NPDES Construction Stormwater General Permit is required. The applicant has been forwarded these comments.

The Chelan County PUD Customer Service Engineer stated in an email received June 15 that there was no comment at this time; however, the applicant will need to make application if additional electrical construction is needed. The applicant has been provided this information.

The City of Wenatchee Development Review Engineer has submitted a report dated July 14, 2015 identifying required transportation and street frontage improvements and the availability of storm, water, and sewer.

32. **Environmental Review includes State Environmental Policy Act (SEPA):**

A SEPA checklist was prepared on May 22, 2015 was noticed using the optional Determination of Non-Significance (DNS) process in WAC 197-11-355 and issued a DNS on July 6, 2015. The proposal is consistent with the goals and policies of the Wenatchee Urban Area Comprehensive Plan.

33. **General Regulations WCC Chapter 10.48:**

Refuse storage, WCC Section 10.48.240, is required to be in a dumpster, not in a front yard areas and generally not visible to surrounding streets or adjoining properties.

34. **Off-Street Parking WCC Chapter 10.60:**

Vehicle parking is required to be to the rear or side of buildings. The parking area is existing to the north side of the building and the site plan shows that 102 stalls would be provided in this existing parking lot.

The required number of parking stalls is based on the land use as an athletic club which is 4 spaces per 1,000 square feet of gross floor area (GFA), excluding tennis or racquetball courts; and 2 spaces per tennis or racquetball court. The parking notes on the site plan indicate that the GFA upon completion of the addition would be 20,775 square feet with

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7 courts; therefore 97 stalls are required. The proposed parking meets current requirements and will be verified at the time of building permit application.

In addition, the application is purposing a gravel overflow parking area to include approximately 26 stalls. This overflow parking area is being reviewed as a part of this conditional use permit.

35. **Landscaping WCC Chapter 10.62:**

The applicant has indicated on the site plan that landscaping would be provided in the hatched area to include shade trees and ground cover at the asphalt parking area, perimeter turf, and landscaping stone and dryland vegetation mix at the courts perimeter.

36. **Consistency with the Conditional Use Criteria and specific criteria for Recreation, neighborhood – WCC 10.65.240**

The general criteria for conditional use permits requires that the proposal is compatible with adjacent uses and will protect the character of the surrounding area, will not result in the creation of nuisances to the public and/or nearby properties and existing uses, and will not result in undue adverse impacts affecting the public health, safety, and welfare. The WRAC is an existing use on the subject property and this proposal is to expand those existing facilities. The lot size is approximately 14 acres. The building expansion and new court location would not be placed closer to any of the surrounding residences.

Any noise created on site is required to comply with WCC Chapter 6A.40 Public Disturbance Noises and WAC 173-60-040 Maximum permissible environmental noise levels.

The subject property is developed with an existing parking area that meets the code requirements for number of stalls based on the proposed expansion. The site plan indicated that a gravel overflow parking area is to be included as part of this development. This proposed overflow parking area is similar in use to a temporary parking facility.

37. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. As conditioned, the proposal is consistent with the intent, purposes, and regulations of the Wenatchee City Code and Comprehensive Plan.
3. As conditioned, this proposal meets the general and specific conditional use criteria for WCC 10.65.080 "Recreation, neighborhood".
4. The conditional use permit will run with the land.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Comments from the reviewing agencies and public have been considered and addressed where appropriate.
7. As conditioned, the proposal will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.
8. As conditioned, the proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, odor, dust, and appearance.
9. The conditions of approval are the minimum necessary to ensure the proposal will comply with all applicable laws and regulations.
10. All conditions place upon the proposed use are conditions that are measurable and can be enforced and monitored.
11. Public use and interests will be served by approval of this proposal.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application CUP-15-03 Wenatchee Racquet and Athletic Club (WRAC) is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.

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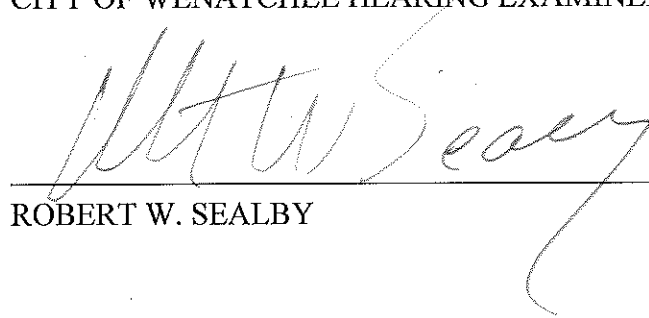
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. Any lighting associated with the completed project shall not be installed to shine on adjoining properties.
4. Lighting associated with the outdoor courts will not exceed hours of 5:00 a.m. to 10:15 p.m. on weekdays (Monday – Friday) and 7:30 a.m. to 10:15 p.m. on weekends (Saturday – Sunday).
5. Verification of compliance of the applicable standards and the recommended conditions of approval within the City of Wenatchee Development Review Engineer's report prepared by Donald Nelson, dated March 23, 2015 prior to the issuance of final occupancies for the building or use of proposed outdoor facilities.
6. Any work or improvements in the public right-of-way shall require review and approval by the City of Wenatchee Public Works department.
7. The conditional use permit only applies to 1913 Skyline Drive; and identified by Assessor's Parcel No.: 22-20-08-430-055.
8. The WRAC shall maintain compliance with the standards of WCC Title 10 Zoning and conditions of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of the WCC not expressly modified by the permit shall be processed as a violation pursuant to WCC Chapter 13.13 Enforcement and Penalties.
9. A landscape plan meeting all applicable requirements of WCC 10.62 shall be submitted for review and approval for the completion of the commercial building permit process for this proposal.
10. A pedestrian connection shall be identified on the site plan submitted with the building permit application to be approved prior to issuance.
11. Hours of operation shall be maintained of 5:00 AM to 11:00PM daily. Use of outdoor court facilities is limited to the same hours as provided for lighting in conditions No. 4.
12. A gate/barrier be installed to limit the access to the overflow parking area to only when there is an event requiring the additional parking. At the time that use of the overflow parking exceeds weekly use (i.e. used for events every weekend) it will be required to be developed to be consistent with the requirements of WCC 10.60.030.
13. The boundary line adjustment must be recorded prior to issuance of the building permit.

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14. The proposed development shall comply with the Stormwater and Flood Mitigation Plan provided by C. Brian Wengreen P.E. dated May 18, 2015
15. The proposed development shall comply with all recommendation of the Engineering Geologic Hazards Assessment provided by Nelson Geotechnical Associates, Inc. dated April 28, 2015.
16. Any mechanical equipment is purposed to be located on the roof at the time of building permit application is required to be screened to mitigate any noise and/or visible impacts to surrounding properties
17. Noise created on site shall be monitored throughout events to ensure compliance with WCC Chapter 6A.40 and WAC 173-60-040.

DATED this 30th day of July, 2015.

CITY OF WENATCHEE HEARING EXAMINER PRO TEM



ROBERT W. SEALBY

Action of the Hearing Examiner is final unless, within twenty one (21) days of the Issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a).

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